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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,004	02/18/2004	Gregory R. Hauler	LAC03 P324	2406

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EXAMINER

STORMER, RUSSELL D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/781,004

Applicant(s)

HAULER, GREGORY R.

Examiner

Russell D. Stormer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-37 is/are allowed.
- 6) ☐ Claim(s) 1,2,8-16,18-26,38-40,42,43 and 50-53 is/are rejected.
- 7) ☒ Claim(s) 3-7,17,41,44 and 49 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/18/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter.

There is no description of the term "flangeless hem" as it appears in claims 38 and 46.

See 37 CFR 1.75(d)(1) and MPEP § 608.01(o).

### ***Claim Objections***

2. Claims 9 and 22 are objected to because of the following informalities:

In claims 9 and 22, the word - -curved- - should be inserted between "the" and "outer" in line 2 to be clear which outer surface is being claimed. Further in claim 22, the term "an" in line 1 should be changed to - -a- -.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 43 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim is indefinite because term "tab" lacks antecedent basis in the claim.

The claim is so indefinite that it cannot be examined on the merits.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 8, 11, 12, 13, 15, 16, 18, 19, 20, 21, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kintsler (cited by Applicant).

The ring-shaped flange member is shown at 96, the wheel cladding is shown at 78, and a portion or lip 94 of the flange is located within the groove 92 on the rim of the wheel as shown in figure 6.

7. Claims 1, 2, 12, 15, 16, 18, 19, 21, 23, 24, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanghetti (cited by Applicant)

As shown in figure 4, the cladding has a ring-shaped flange at its outer edge and a lip 9, 15 which extends into the groove in the rim. The rim and the cladding each have an outer curved surface.

8. Claims 1, 8, 9, 10, 11, 12, 15, 18, 19, 21, 22, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Heck et al (cited by Applicant).

As shown in figure 3, the flange is considered to be the unlabelled radially outwardly extending portion of the rim flange around which the cladding extends. The

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cladding has an annular lip 70 which engages the curved surface and creates a positive lock.

9. Claims 1, 8, 11, 12, 13, 14, 15, 18, 19, 20, 21, 23, 24, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Eikhoff '843 (cited by Applicant).

The outer edge 18 of the rim is the flange member and the cladding wraps around the flange. The annular lip 64 engages the shoulder 62 and provides a positive lock between the flange the cladding.

10. Claims 38, 42, 45, 46, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Buerger.

Note the folded lip portion 32a of figure 4.

11. Claims 38, 42, 45, 46, and 51 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Wright et al.

12. Claims 38, 39, 40, 42, 45, 46, 47, 48, 50, and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Lyon.

Note the folded lip portion 24.

### ***Allowable Subject Matter***

13. Claims 3-7, 17, 41, 44, and 49 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 27-37 are allowable over the prior art of record.

**Conclusion**

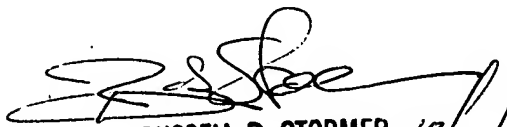
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other wheel cover assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (703) 308-3768. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

12/13/04

  
RUSSELL D. STORMER  
PRIMARY EXAMINER 12/13/04